



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,604	08/07/2001	Friedrich Hapke	DE 000118	1419
24737	7590	11/02/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			TRIMMINGS, JOHN P	
			ART UNIT	PAPER NUMBER
			2138	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 02 2005

Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/923,604
Filing Date: August 07, 2001
Appellant(s): HAPKE, FRIEDRICH

Michael Ure
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/06/2005 appealing from the Office action
mailed 4/04/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 are unpatentable over Kasayu in view of Patel and further in view of Hamzaoglu.

References used for rejections:

Patent No. 4,366,393 to Kasuya,

Patent No. 5,377,197 to Patel,

Non-Patent Literature to Hamzaoglu.

(10) Response to Argument

The appellant has argued that the feedback path from the register back to the input of the logic circuit is not operative, as illustrated in Figure 4 of Kasuya. The examiner would like to emphasize that Figure 4 of Kasuya was not used to reject the claims, and also, in the appeal brief, the appellant has erred in interpreting Figure 4. Figure 4 of Kasuya is an illustration of a test setup which may be used with the test

circuit 100 as is shown in Figure 4. The designation of logic circuit "100(100') in Figure 4 equates to the entirety of Figure 1, including the feedback circuit (including Y to 2, Y" 4, and Y' to 1). Therefore, in order to fully understand Figure 4, one must substitute the entirety of Figure 1 into the box labeled "100(100') in Figure 4. Test circuit 100 is illustrated in Figure 1, and it is this circuit (100) that the examiner has used to reject the claims. Test circuit 100 (see Figure 1) includes the feedback which the appellant states in the appeal is missing from Figure 4, and since the feedback is indeed present, the appellant's argument is moot. Therefore, the examiner rebuts herewith the contention in the appeal brief that there is "a lack of any feedback". Since the appellant has not argued any other issue, the examiner maintains the rejection based on the above. And in conclusion, the examiner reiterates that the limitations of Claim 1 are met with precisely the same function, on the basis of the circuit of Kasuya, as specified in the application and in the claims by the appellant.

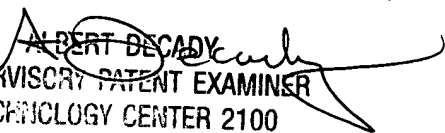
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


John P. Trimmings


ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Conferees:

Albert DeCady 


Emmanuel Moise